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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/249,312

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DAVID DI HUO

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9794

30594

7590

07/16/2004

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EXAMINER

ORGAD, EDAN

ART UNIT

PAPER NUMBER

2684

12

DATE MAILED: 07/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/249,312

Applicant(s)

HUO ET AL.

Examiner

Edan Orgad

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-34 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8 is/are rejected.
- 7) ☒ Claim(s) 5-7 and 9-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Keskitalo et al (US Patent # 5,966,670).

Regarding claim 1, Keskitalo teaches a method for adjusting antenna radiation for a wireless network or segment thereof, the method comprising the steps of: varying antenna radiation directions of a plurality of antennas throughout ranges of antenna radiation directions (col. 10, lines 27-41); measuring signal parameters for the varied antenna radiation directions for a plurality of measurement locations (col. 15, lines 38-50); determining a resultant antenna radiation direction within the ranges for each of the antennas in the wireless network or segment thereof in which to transmit based on the measured signal parameters to achieve desired performance criteria (col. 4, lines 25-29 & 32-37, col. 10, line 60-col. 11, line 9, col. 11, lines 53-62 & col. 15, lines 48-50).

Regarding claim 2, Keskitalo teaches the resultant antenna radiation direction is defined as a two dimensional vector representing angle of azimuth from a corresponding antenna and a down-tilt angle from the corresponding antenna (col. 16, lines 25-30, two dimension- vertical and horizontal).

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Regarding claim 4, Keskitalo teaches the measuring step comprises measuring signal strengths as the signal parameters at the measurement locations (col. 12, lines 10-25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keskitalo et al (US Patent # 5,966,679) in view of Jolma Petri (WO 96 37969).

Regarding claim 3, Keskitalo teaches determining a resultant antenna radiation direction (col. 10, lines 29-44) but fails to specifically disclose the resultant antenna radiation direction, is defined as including a central vector representing a peak gain of a main lobe of radiation, a first limit vector representing a first limit of radiation direction states, and a second limit vector representing a second limit of radiation direction states. However, in the same field of endeavor, Jolma teaches including a central vector representing a peak gain of a main lobe of radiation, a first limit vector representing a first limit of radiation direction states, and a second limit vector representing a second limit of radiation direction states (pg. 31, lines 6-18 & pg. 32, lines 17-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include Jolma's central vector representing a peak gain of a main lobe of radiation, a first limit vector representing a first limit of radiation direction states, and a second limit vector

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representing a second limit of radiation direction states with Keskitalo's invention in order to increase the efficiency of the usage of the pilot signal.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keskitalo et al (US Patent # 5,966,679) in view of Avidor et al (EP 841826A).

Regarding claim 8, Keskitalo teaches a method for adjusting antenna radiation for a wireless network or segment thereof (col. 4, lines 25-29 & 32-37, col. 10, line 60-col. 11, line 9, col. 11, lines 53-62 & col. 15, lines 48-50). However Keskitalo fails to specifically disclose organizing the measured signal strengths into a location measurement data structure corresponding to each measurement location wherein the determining step determines resultant antenna radiation direction s within the ranges of the antennas in the wireless network in which to transmit based upon data in the location measurement data structure such that a measurement characteristic of transmission from the antenna meets a desired performance criteria. However, in the same field of endeavor, Avidor teaches organizing the measured signal strengths into a location measurement data structure corresponding to each measurement location (pg. 8, lines 40-43) wherein the determining step determines resultant antenna radiation direction s within the ranges of the antennas in the wireless network in which to transmit based upon data in the location measurement data structure such that a measurement characteristic of transmission from the antenna meets a desired performance criteria (pg. 9, lines 36-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include Avidor's organizing and determining means with Keskitalo in order to collect less interference from other emitters and to generate less interference to other receivers.

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Allowable Subject Matter

Claims 5-7 & 9-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 5-7 & 9-20, please see reasons for allowance in office action #10, dated 3/19/04.

Claims 21-34 are allowed.

Regarding claims 21 and 28, please see reasons for allowance in office action #10, dated 3/19/04.

Response to Arguments

Applicant's arguments with respect to claims 1-4 and 8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 6,453,177 Transmitting beam forming in smart antenna array system.

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US 6,408,169 Method and system for selecting an antenna beam of a base station of a radio system.

US 6,404,386 Adaptive antenna for use in same frequency networks.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edan Orgad whose telephone number is 703-305-4223. The examiner can normally be reached on 8:00AM to 5:30PM with every other Friday off..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 703-305-4223. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Edan Orgad



July 9, 2004



NAY MAUNG
SUPERVISORY PATENT EXAMINER